



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : M. Vijay Kumar  
Serial No. : 10/077,435  
Filing Date : February 15, 2002  
Title : TREATMENT OF PROSTATE CANCER  
Examiner : DAVIS, MINH TAM B  
Group Art Unit : 1642

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.132**

I, M. Vijay Kumar, do hereby declare the following:

1. I am employed as an Associate Professor at the Medical College of Georgia. In conjunction with my ongoing research responsibilities, I have been actively engaged in research relating to developing chemotherapeutic treatments for cancer, and in particular, prostate cancer.

2. I have reviewed the Office Action mailed October 21, 2004, in the above-referenced patent application and, in particular, the Examiner's rejection of claims under 35 U.S.C. § 112, first paragraph, at pages 4-5 of the Office Action.

3. I have also reviewed the sequence of TRAIL as provided in the sequence listing for SEQ ID NO: 1 as submitted herewith. This is the same sequence as the sequence for TRAIL reported for wild type TRAIL by Pitti et al., in the article entitled "Induction of Apoptosis by Apo-2 Ligand, a New Member of the Tumor Necrosis Factor Cytokine Family" and published in the Journal of Biological Chemistry, volume 271, pages 12687-12690 (1996).

4. The TRAIL polypeptide used in the experiments described in my patent application was obtained from Biomol Research Laboratories, Inc., Plymouth Meeting, PA. This TRAIL was the 281 amino acid protein having the sequence as reported in Pitti et al., and SEQ ID NO: 1 as submitted herewith.

5. Thus, the amendatory material regarding the sequence of TRAIL polypeptide and SEQ ID NO: 1, consists of the same material incorporated by reference in the application as originally filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1/20/05  
Date

  
Mr. Vijay Kumar, Ph.D.